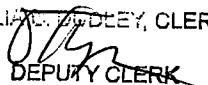


JUN 16 2016

JULIA L. DEEY, CLERK  
BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA

Case No. 7:97-cr-00024-7

v.

MEMORANDUM OPINION

FAHAD T. TAWALBEH,  
Petitioner.

By: Hon. Michael F. Urbanski  
United States District Judge

Fahad T. Tawalbeh, a federal inmate proceeding pro se, filed a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 in light of Johnson v. United States, \_\_\_ U.S. \_\_\_, 135 S. Ct. 2551 (2015). Court records indicate that the court already dismissed a prior § 2255 motion in Civil Action No. 7:00-cv-00858. Thus, the § 2255 motion is a second or subsequent motion under 28 U.S.C. § 2255(h). See, e.g., United States v. Hairston, 754 F.3d 258, 262 (4th Cir. 2014).

The court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that a claim in the motion meets certain criteria. See 28 U.S.C. § 2255(h). As Petitioner has not submitted any evidence of having yet obtained certification from the Court of Appeals to file a second or successive § 2255 motion, the court dismisses the § 2255 motion without prejudice as successive. Based upon the court's finding that Petitioner has not made the requisite substantial showing of denial of a constitutional right as required by 28 U.S.C. § 2253(c) and Slack v. McDaniel, 529 U.S. 473, 484 (2000), a certificate of appealability is denied.

ENTER: This 16<sup>th</sup> day of June, 2016.



United States District Judge